



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation on January 28, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST-98-3419

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **Continental Micronesia, Inc.** filed **1/8/99** for:

XX Waiver from dormancy condition:

By Order 98-5-17, the Department allocated Continental Micronesia five weekly frequencies to operate service between Honolulu and Tokyo. The frequencies are subject to the condition that they will expire automatically and revert to the Department for reallocation if they are not used for a period of 90 days. Under the terms of the order, the frequency allocation would expire March 15, 1999, i.e. 90 days after Continental Micronesia's proposed start-up date of December 15, 1998. Continental Micronesia has requested that the dormancy condition be waived until the necessary slots at Tokyo's Narita Airport are available for the inauguration of its service.

Applicant rep.: **R. Bruce Keiner, Jr., (202) 624-2615** DOT analyst: **Gerald Caolo, 202-366-2406**

DISPOSITION

XX **Granted, in part (see below)**

XX **Balance dismissed (see below)**

The above action was effective when taken: **January 28, 1999,** through **September 15, 1999**

XX **Action taken by: Paul L. Gretch, Director
Office of International Aviation**

Remarks: The 90-day dormancy period will begin September 15, 1999, or the date on which Continental Micronesia begins service in the Honolulu-Tokyo market, whichever occurs earlier.

Dismissal: We decided to grant the carrier's request for a period of six months and to dismiss the balance, without prejudice to refiling, should circumstances warrant. We concluded, taking into account all the circumstances presented, that the public interest would be best served by granting the request for a defined calendar period and evaluating any extension of the dormancy waiver based on the circumstances presented at that time.

(See Reverse Side)

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; and (2) grant of the waiver was consistent with the public interest. To the extent not granted or dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp.*